

The Charter Commission Process

As laid out in Mass General Law Chapter 43B

The Filing of a Petition

Completed

The process is initiated by filing a petition signed by at least 15% of the registered voters residing in the city at the preceding state election. The petition may consist of separate sheets, and the sheets do not need to be filed at the same time. The petition is deemed filed when the persons responsible for the filing notifies the election commission in writing that the filing is complete.

The number of registered voters at the last state election totaled 55,687 voters. Fifteen percent of that number is 8,353.

Beginning in 2008, petition forms were delivered to and held by the City Clerk's Office. In June 2015, the League of Women Voters notified the Clerk's Office in writing that they had completed their submission of petitions. Over the course of seven years a total of 402 petition forms containing 12,850 signatures were submitted.

The Certification of the Signatures

Completed

Within ten days of the filing with the Election Commission, the signatures contained in the petition shall be certified and the number of certified signatures shall be reported to the Board of Aldermen by filing a report with the City Clerk.

On July 6, the Clerk's Office completed the certification of signatures certifying 8,481 signatures - 128 signatures more than the minimum number required. The Clerk filed notice of the sufficiency of signatures with the Board of Aldermen by the docket deadline for the July 13th Docket.

The Board of Aldermen orders the submittal of the question to voters

In process

Within thirty days of the filing with the Board of Aldermen, the board shall by order provide for submitting the question of revising the charter to the voters of the city, and for the election of a Charter Commission, at the first regular city election, held on or after the sixtieth day following the adoption of the order. The order shall also provide for the nomination of Charter Commission members. The order shall not require the concurrence of the mayor and shall not be subject to referendum. If an order of the Board of Aldermen has not been adopted within thirty days, the question of revising the charter shall be submitted to the voters and Charter Commission members shall be elected at the first regular city election, held on or after the ninetieth day after receipt of the certification by the Board of Aldermen.

The item is currently before the Board of Aldermen for submittal to the voters at the next municipal election.

Nominating Charter Commission members

In process

Potential candidates must collect the signatures of 100 registered Newton voters to be placed on the ballot. The City Clerk shall supply forms only to candidates or to persons authorized in writing by a candidate to obtain said forms on their behalf. Individuals running for a seat on the Charter Commission must file campaign finance forms with the City Clerk.

Nomination papers are now available in the Clerk's Office and must be returned by September 22, 2015.

Composition and Election of Charter Commission Members

on November 3, 2015

The Charter Commission will consist of nine registered Newton voters elected at large. The names of the candidates shall be placed in alphabetical order on the ballot preceded by instructions to the voter that they may vote for no more than nine candidates.

If the question of forming a Charter Commission is approved, the nine top vote getting candidates will be declared elected, and the City Clerk will notify the Massachusetts Director of Housing and Community Development of the affirmative vote. The Director will notify the elected commission members of the dates for submission of their reports and the date that the report can be placed on the city ballot.

Initial meeting of the Charter Commission members

by November 13, 2015

Within 10 days of the election the City Clerk shall notify the nine candidates elected to the Charter Commission of the initial Charter Commission meeting. At that meeting, the Charter Commission members shall promptly organize by electing from its members a chairman, vice chairman, and a clerk, and shall file notice of such organization with the City Clerk.

Commission Rules and Staffing

The Charter Commission may adopt rules governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees, and consultants as its account may permit.

Compensation and Office Space

Charter commission members shall serve without compensation, but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties. The city shall provide its Charter Commission, free of charge, with suitable office space and with reasonable access to other facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from city or town officers and employees during ordinary working hours.

Charter Commission Budget

By November 23, 2015

Within twenty days after the election of the Charter Commission, the City Treasurer shall credit to the account of the Charter Commission, with or without appropriation, the sum of \$7,500. The city may also appropriate such additional funds for the Charter Commission as is deemed necessary.

In addition to funds made available by the city, the Charter Commission account may receive funds from any other source, public or private, provided, however, that no contribution of more than five dollars shall be accepted from any source other than the city or town unless the name and address of the person or agency making the contribution, the amount of the contribution and the conditions or stipulations as to its receipt or use, if any, are disclosed in a writing filed with the City Clerk. The consent of a Charter Commission to any such condition or stipulation shall not be binding upon the city.

Initial Public Hearing

by December 18, 2015

Within forty-five days after its election, the Charter Commission shall hold a public hearing. All public hearings before the Charter Commission shall be held within the city at such time and place as may be specified in a notice published at least ten days prior to the hearing in a newspaper having general circulation in the city, but hearings may be adjourned from time to time without further published notice.

Preliminary Report

By March 2017

Within sixteen months after its election, the Charter Commission shall prepare a preliminary report including the text of the charter or charter revision which the Commission intends shall be submitted to the voters and any explanatory information the Commission deems desirable, shall cause such report to be published in a newspaper having general circulation in the city, shall provide sufficient copies of the preliminary report to the City Clerk to permit its distribution to each registered voter requesting the same, and shall furnish two copies to the attorney general and two copies to the department of housing and community development.

Public Hearing on Preliminary Report

By April 2017

Within four weeks after such publication, the commission shall hold one or more public hearings upon the report. Within four weeks after receipt of the report, the attorney general shall furnish the commission with a written opinion setting forth any conflict between the proposed charter or charter revision and the constitution and laws of the commonwealth. A copy of the opinion shall at the same time be furnished to the department of housing and community development.

Final Report

By May 2017

Within eighteen months after its election, the Charter Commission shall submit to the Board of Aldermen its final report, which shall include the full text and an explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between the current and proposed charters, and a statement of not more than one thousand words by the commission minority, if any, provided such statement is filed with the chairman of the commission within forty-eight hours after the commission's vote approving such report. A copy of said final report shall also be submitted to the department of housing and community development and to the attorney general.

Submitting the Recommendation to the Voters

June 2017

Upon submission of the final report of the Charter Commission, the Board of Aldermen shall order the proposed charter or charter revision to be submitted to the voters of the city for their approval at the first regular city election, held at least two months after such submission, but a Charter Commission report which does not recommend the adoption or revision of a charter shall not be submitted to the voters. Such an order shall not require the concurrence of the mayor in cities and shall not be subject to referendum.

The question of adopting a charter or revising a charter as recommended by a Charter Commission shall be submitted to the voters as a single question unless the report of the Charter Commission provides for the separate submission of proposed revisions.

The question of approving the adoption of or any revision of a charter shall be placed on a ballot and shall be prepared by public authority and at public expense. A copy of the ballot question and summary prepared in accordance with the following instructions shall be filed with the City Clerk no later than thirty-five days before the election, and the form of the question shall be substantially as follows:

"Shall this city approve the (insert 'new charter recommended by the Charter Commission' or 'charter revision recommended by the Charter Commission , as appropriate) summarized below?"

YES.	
NO.	

(Where a new charter or single charter revision is being submitted at an election, set forth here a brief summary of its basic provisions (composition and mode of selection of the legislative and executive branches and school committee or, if a change of none of these is involved, the most significant proposed change). The Charter Commission shall prepare the summaries of its own proposals and the city solicitor shall prepare the description of proposed amendments.

Distributing the Final Report of the Charter Commission

No later than October 24, 2017

The Board of Aldermen shall cause the final report of a Charter Commission to be printed and a copy to be distributed to each residence of one or more registered voters. Such distribution

shall occur not later than two weeks before the election at which the question of adopting, revising or amending the charter is to be submitted to the voters. Additional copies of such final report or proposed amendment shall be filed with the City Clerk for distribution to registered voters requesting the same and one such copy shall be posted in his office.

Time of Taking affect if a New Charter is Approved

A new charter or charter revision approved by a majority of the voters shall take effect on the day specified in such charter or revision, and any proposed amendment so approved shall take effect upon the date specified therein or in the city council order or town meeting vote proposing the same. If two or more charter adoption, revision or amendment proposals are submitted to the voters in the alternative and are approved, only the alternative proposal receiving the highest number of affirmative votes shall take effect. If two or more charter adoption, revision or amendment proposals containing conflicting provisions are submitted to the voters, but not as alternatives, and are approved, all such proposals shall take effect, but the proposal receiving the highest number of affirmative votes shall be construed to prevent all conflicting provisions contained in other proposals from taking effect.

The end of the term of the Charter Commission

by December 7, 2017

The Charter Commission shall continue to exist until thirty days after the election at which its charter proposal, if any, is required to be submitted to the voters.

Within thirty days after submission of its final report the Charter Commission shall file with the city or town clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the city's or town's surplus revenue account.